

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

\* \* \* \* \*

CAROLYN GOODEN, \* No. 12-596V  
Petitioner, \* Special Master Moran  
\*

v. \* Filed: July 29, 2014  
\*

SECRETARY OF HEALTH \* Attorneys' fees and costs; award  
AND HUMAN SERVICES, \* in the amount to which  
Respondent. \* respondent does not object.

\* \* \* \* \*

Lawrence R. Cohan, Esq., Anapol, Schwartz, et al., Philadelphia, PA, for  
Petitioner;

Melonie J. McCall, United States Dep't of Justice, Washington, DC, for  
Respondent.

### **UNPUBLISHED DECISION ON FEES AND COSTS**<sup>1</sup>

On July 28, 2014, petitioner filed a stipulation of fact concerning final attorneys' fees and costs in the above-captioned matter. Previously, on July 22, 2014, petitioner filed an application for attorneys' fees and costs seeking an award of \$44,328.88. In informal discussions, respondent raised objections to certain items of petitioner's application. Based on subsequent discussions, petitioner amended her application to request \$42,000.00, an amount to which respondent does not object. The Court awards this amount.

On September 13, 2012, Carolyn Gooden filed a petition for compensation alleging that the trivalent influenza ("flu") vaccine, which she received on February 24, 2010, caused her to suffer chronic inflammatory demyelinating polyneuropathy ("CIDP"). Petitioner received compensation based upon the parties' stipulation. Decision, filed June 16, 2014. Because petitioner received compensation, she is entitled to an award of attorneys' fees and costs. 42 U.S.C. § 300aa-15(e).

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<sup>1</sup> The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

Petitioner seeks a total of **\$42,000.00** in attorneys' fees and costs for her counsel. Additionally, in compliance with General Order No. 9, petitioner states that she incurred no out-of-pocket litigation expenses while pursuing this claim. Respondent has no objection to the amount requested for attorneys' fees and costs.

After reviewing the request, the Court awards the following:

**A lump sum of \$42,000.00 in the form of a check made payable to petitioner and petitioner's attorney, Lawrence R. Cohan, for attorneys' fees and other litigation costs available under 42 U.S.C. § 300aa-15(e).**

The Court thanks the parties for their cooperative efforts in resolving this matter. The Clerk shall enter judgment accordingly.

Any questions may be directed to my law clerk, Mary Holmes, at (202) 357-6353.

**IT IS SO ORDERED.**

s/Christian J. Moran  
Christian J. Moran  
Special Master